

# **EXHIBIT D-2**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

*PBM Bellwether Cases*

**MDL No. 2804**

**Case No. 17-md-2804**

**Judge Dan Aaron Polster**

**PLAINTIFFS' JURISDICTIONAL DISCOVERY REQUESTS FOR PRODUCTION OF  
DOCUMENTS TO OPTUM DEFENDANTS**

COMES now the PBM Bellwether Plaintiffs and submit the following discovery requests pursuant to Rule 34 of the Federal Rules of Civil Procedure to Defendants UnitedHealth Group, Inc., Optum, Inc., OptumInsight, Inc., OptumInsight Life Sciences, Inc., OptumRx Discount Card Services, LLC, Optum Perks, LLC, OptumHealth Care Solutions, LLC, OptumHealth Holdings, LLC, and Optum Health Networks, Inc.

**DEFINITIONS**

This section sets forth specific definitions applicable to certain words and terms used herein. Unless words or terms have been given a specific definition in this section or in a specific request, each word or term shall be given its usual and customary dictionary definition, except where a word or term has a specific customary and usage definition in your trade and industry. In that case, the word or term shall be interpreted in accordance with the specific customary and usage definition.

1. “Communication” or “communications” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) and, with respect to oral communications, includes any document evidencing such oral communications. It includes the transmittal of information by any means, including email, SMS, MMS or other “text” messages, shared applications from cell phones, or by any other means. “Communication” shall also include, without limitation, all originals and copies that are provided by You or to You by others.

2. “Document” or “documents” includes, but is not limited to, the following items, whether written, printed, typed, drawn, punched, taped, films, electronic, recorded, or graphic matter, including drafts, that is or has been in your possession, custody, or control, or is known to exist by You, including but not limited to, any account, record, book, notebook, pamphlet, brochure, catalog, periodical, publication, advertisement, promotional material, schedule, list, manual, letter, correspondence, telegram, telephone record, stenographic or handwritten note, memorandum, contract, agreement, lease, manifest, purchase order, ticket, claim, log, computer record, bulletin, study, survey, summary, call report, sales letter, chart, graph, blueprint, drawing, sketch, article, specification, diary, index, data sheet, inter- and intra-company communication, report, plan, work sheet, note bill, check, draft, bank statement, credit memo, ledger, journal, calendar, minutes, transcripts, invoice, order form, accounting record, financial record, bookkeeping record, photograph, photo record, teletype, telex, tape recording, videotape, text or SMS message, electronic mail, other form of data compilation, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof. Furthermore, if copies, reproductions or facsimiles of a document are not identical because of handwritten notations,

initials, identification marks, or any other modification, each such non-identical copy is a separate document within the meaning of this definition.

3. “UHG Enterprise” means any parent, subsidiary, or sibling company of UnitedHealth Group, Inc.

4. “Optum entities” refers to Optum, Inc., OptumInsight, Inc., OptumInsight Life Sciences, Inc., OptumRx Discount Card Services, LLC, Optum Perks, LLC, OptumHealth Care Solutions, LLC, OptumHealth Holdings, LLC, Optum Health Networks, Inc, and any other entity that is affiliated with the Optum entities and/or UnitedHealth Group that includes “OptumInsight” and/or “OptumHealth” as part of its name.

5. “You” or “Your” means the entities to which these Requests are directed and their officers, directors, employees, partners, representatives, agents, corporate parent, subsidiaries, affiliates, divisions, predecessors, or successors-in-interest, and other persons or entities acting on behalf of or controlled by them.

### **DISCOVERY REQUESTS**

1. All Documents, including but not limited to marketing materials, describing, referring to, or related to the collaboration, coordination, or integration between any of Your parent, subsidiary, or sibling companies as part of the larger UHG Enterprise.<sup>1</sup>

2. All Documents reflecting or relating to any data sharing between any parent or sibling entity or the use of, or promotion of access to, data owned, controlled, or managed by UnitedHealth Group, Inc.

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<sup>1</sup> Please see April 5, 2024 letter from the PEC to Optum for illustrative examples of documents that relate to collaboration, coordination, or integration between the various Optum entities as part of the “UHG enterprise.” We provide these examples only as clarification, the examples are not meant to limit the scope of your searches and/or production with respect to this request.

3. All Documents describing or referencing the “UHG Enterprise.”

4. All Documents reflecting Communications related to opioid products between

You and the following:

- i. Any person or entity in the bellwether states, including their employees, agents or anyone working on their behalf;
- ii. Any state agencies for any of the bellwether states, including their employees, agents or anyone working on their behalf;
- iii. Health care providers, pharmacies, pharmacists, or medical- and/or pharmacy-related trade organizations located in any of the bellwether.

5. All Documents concerning or reflecting any analysis you conducted of opioid prescribing, dispensing, addiction, overdose or other opioid-related harms in any of the bellwether states.

6. All Documents concerning or reflecting Your agreements and/or Communications with or regarding any pharmacy in any of the bellwether states.

7. All Documents and Communications related to educational programs, series, round tables, seminars, continuing medical education programs (CMEs), and/or continuing nursing education programs (CNEs) that any Optum entity engaged in related to opioids in any of the bellwether states.

8. All Documents and Communications related to any study, research, consulting, and/or marketing work that any Optum entity performed on behalf of any opioid manufacturer that involved data, physicians, patients, and/or employees from any of the bellwether states.

9. All Documents and Communications related to any study, research, consulting, and/or marketing work that any Optum entity performed on behalf of any opioid manufacturer that was distributed and/or presented in any bellwether state.

10. All Documents related to cash card claims administered by any Optum cash card entity (including Optum Discount Card Services and Optum Perks) related to opioids in each bellwether state.

11. All Documents relied on or supporting Your responses to the Jurisdictional Discovery Interrogatories to Optum Defendants.

Dated: April 17, 2024

Respectfully Submitted,

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